

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

COLTER JOSEPH EPLER,

Defendant.

CR-20-04-H-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on July 22, 2025. (Doc. 90.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 3, 2025, April 29, 2025 and July 18, 2025. (Docs. 64, 83 and 89.) The United States accused Colter Joseph Epler (Epler) of violating his conditions of supervised release by: (1) committing another federal, state or local crime by being arrested for Driving Under the Influence of Alcohol, a felony, in violation of Mont. Code Ann. §§ 61-8-1002

and 61-8-1008 on March 14, 2025; and (2) consuming alcohol on March 14, 2025 and (3) failing to follow the conditions of his home confinement on April 7, 2025. (Docs. 59 and 76.)

At the revocation hearing, Epler admitted that he had violated the terms of his supervised release by (2) consuming alcohol on March 14, 2025. The government moved to dismiss alleged violation 1 which the Court granted and the Court found the government did not meet the burden of proof with respect to alleged violation 3. (Doc. 83 and 89.) Judge Johnston found that the violation Epler admitted proved to be serious and warranted revocation, and recommended that Epler receive a custodial sentence of TIME SERVED, with 26 months of supervised release to follow. Judge Johnston found that the additional conditions of supervised release imposed on April 3, 2025 (Doc. 69) and modified on April 30, 2025 (Doc. 84) are removed. Epler shall remain subject to the conditions of supervised release imposed by Judgment dated September 3, 2020. (Doc. 90.) The violation proves serious and warrant revocation of Epler's supervised release.

The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 90) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Colter Joseph Epler be sentenced to the Bureau of

Prisons for a custodial sentence of of TIME SERVED, with 26 months of supervised release to follow. The additional conditions of supervised release imposed on April 3, 2025 (Doc. 69) and modified on April 30, 2025 (Doc. 84) are removed. Epler shall remain subject to the conditions of supervised release imposed by Judgment dated September 3, 2020.

DATED this 28th day of July 2025.



Brian Morris, Chief District Judge
United States District Court